

REMARKS

In response to the Office Action dated January 3, 2007, Applicant respectfully requests reconsideration based on the above amendment and following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 6-22 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. The source of the issue appears to be directed to use of the word "schedule" in the claims. This term has been eliminated from the claims, which now recite a predetermined time or predetermined potential calling party, which is consistent with paragraphs [0047] and [0049] of the original specification. Thus, the rejection under 35 U.S.C. § 112, first paragraph should be withdrawn.

Claims 6-22 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The Examiner has questioned what the term "hold" means. Applicant submits that the meaning of "hold" is clear from the specification and is a known term of art. As described in Applicant's specification, a call is on hold when it is connected to the called location, but the called party has not answered nor has a voicemail process been initiated. This is clearly described in Applicant's specification, in particular Figure 5. Further, the Examiner's interpretation in the Office Action is consistent with the specification, thus it is not clear how this term can be considered vague as the Examiner has correctly interpreted the term. Thus, the rejection under 35 U.S.C. § 112, second paragraph should be withdrawn.

Claims 6-22 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite based on the term "schedule." This term has been removed from the claims. Thus, the rejection under 35 U.S.C. § 112, second paragraph should be withdrawn.

Claims 6-13 and 17-22 were rejected under 35 U.S.C. § 102 as being unpatentable over Miner. This rejection is traversed for the following reasons.

Claim 6 recites, *inter alia*, "automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on

hold; playing a message to the calling party that the call has been placed on hold," and claim 6 further recites that the one or more parameters "include at least one of a predetermined time period during which the incoming call is placed on hold, and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold." Miner fails to teach these features. Miner does not teach automatically answering the call if the call corresponds to the one or more parameters of the hold function. In Miner, the call is answered when it arrives by a VM, without regard as to who the caller is or the time of the call. Thus, the automatic answering and placing on hold based on parameters is not taught in Miner. Further, Miner does not teach playing a message to the calling party that the call has been placed on hold. Announcements are made to the called party in Miner indicating that a call is waiting. However, Miner does not teach providing a message to the calling party. Thus, Miner cannot anticipate claim 6.

For at least the above reasons, claim 6 is patentable over Miner. Claims 7-13 and 21 depend from claim 6 and are patentable over Miner for at least the reasons advanced with respect to claim 6.

Independent claim 17 recites features similar to those discussed with reference to claim 6. Thus, claim 17 is patentable over Miner. Claims 18-20 and 22 depend from claim 17 and are patentable over Miner for at least the reasons advanced with respect to claim 17.

Claims 14-16 were rejected under 35 U.S.C. § 103 as being unpatentable over Okun in view of Novak. This rejection is traversed for the following reasons.

Claim 14 recites, *inter alia*, "the determining based on at least one of a predetermined time period during which the incoming call is placed on hold, and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold." As noted by the Examiner, Okun fails to teach placing a caller on hold based on these parameters. In Okun, the called party places the call on hold by pressing a button. Novak is directed to a voicemail system that places callers into voice mail based on the caller's identity or a schedule. Novak does not teach placing callers on hold. Thus, even if Okun and Novak are combined, the logical combination would be to

use the hold features of Okun with the voice mail features of Novak. There is no teaching or suggestion in either reference to modify the hold features of Okun.

For at least the above reasons, claim 14 is patentable Okun in view of Novak. Claims 15 and 16 depend from claim 14 and are patentable over Okun in view of Novak for at least the reasons advance with respect to claim 14.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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